

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**CARREKER CORPORATION**

**VS.**

**JACK CANNON, CAST  
MANAGEMENT CONSULTANTS, INC.  
and JACK LEACH**

§  
§  
§  
§  
§  
§

**Civil Action No. 4:06cv175  
(Judge Schell/Judge Bush)**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced civil action, this Court having heretofore ordered this case be referred to the United States Magistrate Judge for all pretrial purposes.

The report of the United States Magistrate Judge, which contains proposed findings of fact and recommendations, has been presented for consideration. The Court, having made a *de novo* review of the objections raised by Defendant Jack Leach, Defendant Jack Cannon and Defendant Cast Management thereto, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Defendants are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

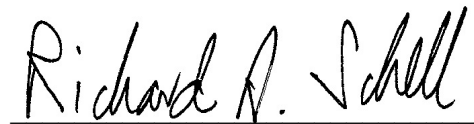
The Court, however, finds that venue in this district is not proper pursuant to 28 U.S.C. § 1391. The Court finds that the U. S. District Court for the Northern District of Texas is the proper forum. Carreker's principal place of business is in Dallas County. The trade secrets and other proprietary information are situated in the Northern District of Texas. The contracts were

signed in Dallas, and there is a forum selection clause in at least one of the contracts. The Court finds that a substantial part of the events or omissions giving rise to the claim occurred in Dallas County and that a substantial part of the property which is the subject of this action is situated in the Northern District of Texas. 28 U.S.C. § 1391(a)(2). It is, therefore,

**ORDERED** that the Magistrate Judge's Report is **ADOPTED** as modified as the opinion of the Court. It is further

**ORDERED** that Defendant Jack Leach's Motion to Dismiss pursuant to Fed. R. Civ. P. Rule 12(b)(2) is **DENIED** and that the case is **TRANSFERRED** to the U. S. District Court for the Northern District of Texas.

**SIGNED this the 21st day of March, 2007.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE